

FISCAL NOTE

HB 1061 - SB 1592

April 4, 2007

SUMMARY OF BILL: Defines “unattended child” as a child eight years of age or less who is not accompanied by another person at least 14 years of age. Creates a new Class A misdemeanor offense of leaving a child unattended in a motor vehicle. Creates a new Class C felony offense of aggravated leaving a child unattended in a motor vehicle which results in injury to the child or the child injures another by causing a motor vehicle collision. Especially aggravated leaving a child unattended in a motor vehicle is punishable as a Class B or Class A felony. Offense is punished as a Class B felony if such results in the fatal injury of the child or the child fatally injures another. Offense is punished as a Class A felony if person who committed the offense is in a position of trust or acting as the caregiver.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$384,500 / Incarceration*
\$5,790**

Other Fiscal Impact - Increase Federal Expenditures - \$3,210

Assumptions:

- According to the Department of Children’s Services (DCS), there are approximately 20,000 child neglect cases investigated annually. Five percent (5%), or 1,000 children, involved unattended children in vehicles. It is estimated that as a result of this bill one additional child per year will come into state custody for 100 days.
- The average cost per day is \$90 which will result in an increase in expenditures of \$9,000 (100 days X \$90). Forty – five percent (45%) of such amount, or \$4,050, will be contributed through TennCare funds.
- Of the TennCare funds, \$1,470 will be state funds and \$2,580 will be federal funds at a 63.695% match. Seven percent (7%), or \$630, of the total increase will be Title IV-E federal funds.
- The total estimated increase in expenditures is estimated to be \$5,790 in state funds (DCS and TennCare state match) and \$3,210 in federal funds (TennCare federal match and Title IV-E funds).
- The Department of Correction (DOC) estimates one offender will be convicted of a Class A felony offense of especially aggravated leaving a

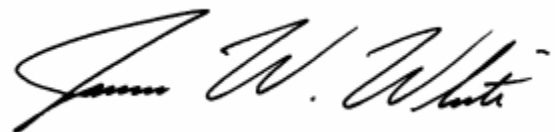
child unattended in a motor vehicle while acting as a caregiver and will serve 20 years as a result of this bill. According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The maximum cost per inmate in the tenth year, as required by § 9-4-210, is \$219,734.40 (\$60.16 x 3652.50 days).

- Two offenders will be convicted of a Class B felony offense of especially aggravated leaving a child unattended in a motor vehicle resulting in the fatal injury of such child or such child fatally injures another and will serve 2.4 years. The cost per inmate at 2.4 years is \$52,736.27 (\$60.16 x 876.60 days). The total additional operating cost for two offenders is \$105,472.54 (\$52,736.27 x 2).
- Three offenders will be convicted of a Class C felony offense of aggravated leaving a child unattended in a motor vehicle which results in injury to the child or the child injures another by causing a motor vehicle collision and will serve 0.9 years. The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days). The total additional operating cost for three offenders is \$59,329.20 (\$19,776.40 x 3).
- No significant cost incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director